IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.9305 of 1999

Dated: 11-04-2007

Between:

1. K. Viswanatha Raju, s/o Satyanarayana Raju and another.

... Petitioners

and

1. The Government of Andhra Pradesh, rep. by its Secretary, Animal Husbandry (Fish II) Department, Hyderabad and 4 others.

... Respondents

ORDER:

This writ petition is filed seeking a *mandamus* to declare the inaction of respondents in not handing over the land to petitioners to an extent of Ac.4-00 each in Sy.Nos.424 and 420 respectively, of Pudiparthi village, Venkatachalam Mandal, Nellore District, as per the proceedings of respondents i.e. 1) Letter of Intent issued by Director of Fisheries dated 07-02-1999 and 2) Letter of District Collector dated 20-12-1991 and also deed of grant dated 16-03-1992, as illegal and arbitrary.

2. Facts, in brief, are: Petitioners are the allottees of brackish water land in an extent of Ac.4-00 each in Sy.Nos.424 and 420 respectively situated at Pudiparthi village, Venkatachalam Mandal, Nellore District. The Director of Fisheries has also issued letter of intent, dated 07-02-1989 and third respondent – District Collector in his letter dated 20-12-1991 directed fourth respondent – Mandal Revenue Officer to handover the land as per schedule mentioned therein with clear particulars. A registered deed of grant was also executed on 16-03-1992 by first respondent – Government, accordingly, all the formalities have been complied with. According to petitioners, despite their repeated requests, respondents are not handing over the site/land to them and dodging the matter on one pretext or the other and the authorities are also trying to allot the said land to third parties ignoring all the proceedings referred to above to deprive their rights.

3. A detailed counter affidavit is filed wherein it is stated that the Government while allowing revisions filed by the assignees issued G.O.Ms.No.170, dated 07-02-1992, pursuant to which the District Collector, Nellore vide proceedings dated 20-02-1993 ordered resumption of the lands in favour of the said assignees for the purpose of carrying on prawn culture.

4. Heard learned counsel for the parties.

5. No doubt, it is true that the said lands were assigned in favour of petitioners, but the said allotment/assignment was prior to the orders passed in G.O.Ms.No.170 and thereafter the Director of Fisheries, Nellore issued letter of Intent on 17-02-1989 and a deed of grant was executed on 16-03-1992. However, that does not confer any right on

petitioners. Having regard to the fact that the said lands originally belong to the assignees, whose revisions were allowed by the Government and hence, the prayer sought for in this writ petition cannot be granted. Accordingly,

I see no merits in this writ petition.

6. Accordingly, the writ petition is dismissed. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.11-04-2007
GLV